

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

KENNETH DOUGLAS,)	
)	
Plaintiff,)	
vs.)	NO. CIV-09-0792-HE
)	
JOHN HILLIGOSS, et al.,)	
)	
Defendants.)	

ORDER

Plaintiff Kenneth Douglas filed this action pursuant to 42 U.S.C. § 1983 alleging a deprivation of due process and conspiracy. Consistent with 28 U.S.C. § 636(b)(1)(B), the matter was referred to Magistrate Judge Robert E. Bacharach, who has recommended that a motion to dismiss filed by the defendants be granted and the action be dismissed with prejudice. The magistrate judge found that the petitioner's due process claim failed because he had not pleaded the deprivation of a liberty interest.¹ He concluded the petitioner's conspiracy claim failed because it was based on the asserted due process violation.


The plaintiff failed to object to the magistrate judge's Report and Recommendation and thereby waived his right to appellate review of the factual and legal issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996). *See* 28 U.S.C. § 636(b)(1)(C). Accordingly, the court adopts Magistrate Judge Bacharach's Report and Recommendation, grants respondents' motion to dismiss and dismiss petitioner's

¹The magistrate judge found the petitioner lacked a liberty interest in his classification level in Oklahoma's prison classification system

claims with prejudice.²

IT IS SO ORDERED.

Dated this 29th day of March, 2010.



JOE HEATON
UNITED STATES DISTRICT JUDGE

²The reference to the conspiracy claim being dismissed “without” prejudice on page 6 of the Report and Recommendation is obviously a typographical error.